

OFFICIAL GAZETTE



GOVERNMENT OF GOA

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Fisheries Department

Notification

6/1/90-FSH

In exercise of the powers conferred by section 7 of the Goa (Brackish Water) Fish Farming Regulation Act, 1991 (Act 9 of 1992), the Government of Goa hereby makes the following rules for regulating fish farming in brackish water in the State of Goa, namely:—

1. *Short title and commencement*:— (1) These rules may be called the Goa (Brackish Water) Fish Farming Regulation Rules, 1994.

2. They shall come into force at once.

2. *Definitions*:— In these rules, unless the context otherwise requires- (a) "Act" means the Goa (Brackish Water) Fish Farming Regulation Act, 1991 (Act 9 of 1992),

(b) "Chief Executive Officer" means an officer appointed by the licensing authority;

(c) "Directorate of Agriculture and Fisheries" means the Director of Agriculture and includes the the Director of Fisheries of the Government;

(d) "lawful authority" means the Collector of specific District of North and South Goa;

(e) "Words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.

3. *Application for licence*.— (1) Any person desirous of obtaining a licence for fishing or fish farming activities in any brackish water land under section 4 of the Act, shall make an application in Form 'A' to the licensing authority by registered post or may be presented to it or to any of its subordinate Officers authorised by it in this behalf, and if so sent or presented shall, unless the licensing authority otherwise directs, be made in duplicate and shall be signed by the applicant or his duly authorised representative.

(2) For every such application, a certificate shall be appended which shall be signed by the applicant to the effect that the statement of facts contained in the application is true to the best of his knowledge, belief and is accurate.

(4) *Summary rejection*:— (1) The licensing authority shall examine every application received by it and if it is satisfied that the application is not in conformity with the provisions of rule 3, shall reject it and inform the applicant accordingly.

(2) The rejection of application under sub-rule (1) shall not by itself preclude the applicant from presenting a fresh application towards the grant of licence thereof.

5. *Reports*:— If the licensing authority does not reject the application under rule 4, it may obtain reports as it deems necessary from the Directorate of Agriculture and Fisheries towards considering the grant of licence in favour of the applicant.

6. *Disposal of application*.— (1) On the receipt of report from the Directorate of Agriculture and Fisheries, the licensing authority shall consider the report and shall, after holding such inquiry as it thinks fit, so as to ensure that no damage is likely to be caused to any residential house or any other structure or a drinking water source,—

(i) allow the application in respect of the whole of the area to which it relates; or

(ii) allow the application in respect of any part of the area to which it relates; or

(iii) reject the application

(2) The applicant shall be informed of every order passed by the licensing authority under sub-rule (1).

7. *Consent*.— In case an application for licence to carry on fishing and fish farming activity in brackish water lands is presented by a person other than the owner of the land, the licence shall not be granted without the consent of such owner of the land. The consent certified by the concerned Mamlatdar shall be produced by the applicant alongwith the application for licence.

8. *Deemed refusal of application*.— (1) An application for grant of a licence shall be disposed of within six months from the date of its receipt by the licensing authority.

(2) If any application is not disposed of within the period specified in sub-rule (1), it shall be deemed to have been refused.

9. *Security deposit*.— A licence in Form 'B' shall be issued on the applicant depositing a sum not less

than Rs. ... but not more than Rs...., as may be directed by the licensing authority as security deposit for the performance and observance of the conditions as specified in the licence.

10. *Grant of licence*:— On receipt of order of the licensing authority towards grant of licence, the Chief Executive Officer shall grant a licence in Form 'B' to the applicant on payment of licence fee of Rs. 100 per hec. for ... months.

11. *Validity of licence*:— The licence granted under rule 10 shall be valid only for a period of one year from the date of issue or lesser period as specified in the licence thereof.

12. *Condition of licence*:— Every licence shall be subject to the following conditions and such conditions shall be incorporated in every licence granted thereof, namely:—

- (i) Every licensee shall carry fishing and fish farming activity during the validity of licence;
- (ii) The licensee shall ensure that no damage is likely to cause to any residential house or any other structure or a drinking water source by fish farming activity in the brackish water land;
- (iii) The licensee shall make good to the reasonable satisfaction of, and pay such compensation as may be assessed, by the lawful authority in accordance with the law in force for all damage, injury or disturbance which may be done by him/her while carrying on fishing and fish farming activity in pursuance of the licence and indemnify and keep indemnified fully and completely the licensing authority against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith;
- (iv) The licensee shall at his own expense, if so required, erect or execute bunding of area or other work and at all times maintain and keep in good repair boundary mark necessary to indicate demarcation of boundaries as specified in the licence and shall not in any way cause any hindrance or inconvenience for paddy cultivation in the adjoining land;
- (v) The licensee shall ensure that no engine or other contravances used for fish/fish farming shall cause any obstruction to any other activity;
- (vi) The Government and the licensing authority shall be immune from licensee's claims for damages on account of any land included in his licence not being available to the licensee for the purpose;
- (vii) The licensee shall abide such reasonable instructions and directions as may be issued by the licensing authority or any other Officer duly authorised by it towards conservation and development of fish/fish farming activities;

(viii) The licensee shall abide by the provisions of any other law for the time being in force relating to fish or fish farming and matters affecting safety, conservation of fish/fish farming and health and convenience of way, water and other easements;

(ix) The licensee shall report all accidents occurring in the area covered under the licence to the District Magistrate, District Superintendent of Police and the licensing authority;

(x) The licensee shall not transfer or assign the licence granted to him without permission of the licensing authority;

(xi) The licensee shall deposit a security deposit as determined under rule 9 for due performance and observance of the terms and conditions of the licence;

(xii) In case of breach of any of the condition of the licence by the licensee, the licensing authority shall give a reasonable opportunity to the licensee for stating his case and when it is satisfied that the breach is such as cannot be remedied, on giving 30 days notice to the licensee, determine the licence and or forfeit the whole or any part of the said security deposit as it may deem fit. If the licensing authority considers the breach to be remediable nature, it shall give notice to the licensee requiring him to remedy the breach within 15 days from the date of receipt of notice and informing him/her of the penalty proposed to be inflicted if such remedy is not effected within such period.

13. *Renewal of licence*:— (1) An application for renewal of licence shall be made to the licensing authority in Form 'C' at least two months before the date of expiry of licence.

(2) The application for renewal of licence shall be disposed of within a period of 45 days from the date of its receipt. If the application for renewal is not disposed of within the period specified above, it shall be deemed to have been granted.

14. *Refusal of licence*:— If, after considering the application and the report of the Directorate of Agriculture and Fisheries the licensing authority is of the opinion that there are no sufficient grounds for considering the application. It shall, after giving the applicant a reasonable opportunity of being heard, pass an order recording the reasons therefor.

15. *Appeal*:— Any applicant whose application has been rejected or allowed in respect of the whole or any part of the area to which it relates, may, within 60 days of the date of order rejecting or allowing the application, as the case may be, prefer an appeal to the tribunal under section 6 of the Act.

16. *Form and contents of appeal*:— (1) Every appeal against the order of licensing authority made under section 4 of the Act, shall be made in the form of a Memorandum.

(2) The Memorandum of Appeal shall be presented in duplicate to the Tribunal by the Appellant, or his agent, or it may be sent to the Tribunal by re-

gistered post, and shall be signed either by the appellant himself or by a person duly authorised by him in writing in this behalf.

(3) Every Memorandum of appeal shall—

- (i) be in writing,
- (ii) indicate the name and address of the appellant;
- (iii) specify the date of order against which it is made;
- (iv) contain clear statement of facts and specific grounds of appeal;
- (v) state precisely and in brief the relief prayed for; and
- (vi) be signed and verified by the appellant or his duly authorised agent in the following form, namely:—

"I ... appellant/agent appointed by the appellant named in the above Memorandum of Appeal do hereby declare that what is stated herein is true to the best of my knowledge and belief".

(4) A fee of Rs. shall be payable in respect of Memorandum of Appeal and the same shall be paid as court fee stamp affixed to the Memorandum. The Memorandum of appeal shall be accompanied by either the order in original against which it is made or duly authenticated copy thereof, unless the omission to produce such order or copy is explained at the time of presentation of appeal to the satisfaction of the Tribunal.

17. *Summary rejection of appeal*:— The appeal may be summarily rejected if the appellant, after being given an opportunity in this behalf, fails to comply with any of the requirements of sub-rule (3) and sub-rule (4) of rule 16 of these rules.

18. *Prohibition*:— (1) The licensing authority may prohibit fishing or fish farming in such areas in general or altogether in any area or allow such fishing only on such conditions as it thinks fit for valid reasons.

(2) If the licensing authority or any Officer authorised by it, has reason to believe that an offence has been committed by the licensee by contravening any of the provisions of these rules or conditions of the licence, the nets and contraventions shall be seized and kept under his custody after preparing a panchanama and any fish catch in the net or by means of other contraventions found thereof, the concerned authority is empowered, after preparing panchanama, to sell the fish before they get damaged in public auction or any other advantageous means and the proceeds of the sale or disposal shall be credited to the licensing authority, in addition to the penalty that may be imposed by the Court after considering the merit of each case.

19. *Register*:— The licensing authority shall maintain a register in Form 'D' in which all applications received by him and each order issued, licence fee collected and the date of licence issued shall be entered in their respective columns.

20. *Copies of documents and orders*:— (1) Any person who is a party to any proceedings under the Act or under these rules may apply to the licensing authority or Tribunal having jurisdiction in respect

of such proceedings or having the custody of records pertaining thereto, for a certified copy of a document produced or filed in such proceedings or of an order passed by the concerned authority thereof.

(2) Application made under sub-rule (1) shall be accompanied by a fee of Rs. 2/- in Court fee stamp and a deposit of an amount to cover the cost of preparing certified copies according to the scale of copying fees as specified below. The amount so collected according to the said scale of fee shall be deposited with the licensing authority as copying fees and the amount, if any, by which the amount deposited exceeds the amount of copying fees so deposited shall be refunded to the applicant at the time of delivering the copy:

Provided that the applicant shall, if the amount deposited by him is not found to be sufficient to cover the amount of copying fees, pay the deficit before taking delivery of the copy.

Scale of fee

For obtaining a certified copy of the documents
For first 200 words or less Rs. 5/-.
For every additional 100 words Rs. 3/-.

FORM 'A'

(See rule 3)

Application for licence for fishing/fish farming in brackish water.

- (1) Name of applicant :
- (2) Address of applicant :
- (3) Details of the brackish water fish farm/area :
 - (a) Survey No. :
 - (b) Wado :
 - (c) Village :
 - (d) Water area :
- (4) Name of the owner of the brackish water :
- (5) Right of the applicant to the property :
- (6) By carrying out fishing/fish farming activity any damage to the neighbouring property, drinking water well etc. are likely to be caused :

I/we do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plan, as may be required, by you.

Place :—

Signature of Applicant

Date :—

For official use

Report of Village officials :

Report of Extension Officer :

Remarks :

BRACKISH WATER FISH FARMERS DEVELOPMENT
AGENCY (BFDA) - GOA

FORM 'B'

(See rule 10)

Licence for fish/prawn/farming/fishing in Brackish water
Licence is hereby granted to

Shri/Smt.

House No.

FORM 'C'

(See rule 13)

Village

Application for renewal of licence

Taluka

Received.

at (place)

on (date)

District

Initial of
Receiving Officer

State

To,

Sir,

I/we request for renewal of my/our licence under the
Goa (Brackish Water) Fish Farming Regulation Rules, 1994.

(2) A sum of Rs. being the fee in respect of
this application at the rate of Rs. per hectare or
part thereof, payable in accordance with the Rules has been
deposited.

to carry out fishing/fish farming in the brackish water fish
farm/area specified below:

District	Taluka	Survey Nos.	Area in ha.	Farming/ fishing	Licence fee (Rs.)
(1)	(2)	(3)	(4)	(5)	(6)

The permission is subject to the following conditions:

- (1) The licence is valid for the period from
to
- (2) Fishing/Fish farming shall not cause any damage to
residential house or any other structure or a drinking
water source or paddy and other type of cultivation in
the adjoining lands.
- (3) The licence fee of Rs. (.....) to be paid to the
licensing authority should be paid in one instalment and
the receipt obtained.
- (4) This licence shall be valid up to

(3) The required particulars are given below:

- (i) Name of the applicant with complete address.....
- (ii) If the applicant is private individual/private
Company/Public Company/Firm/Society
- (iii) Particulars of the licence of which renewal is
desired.....
- (iv) Details of previous renewal / renewals granted, if
any
- (v) Reasons for asking renewal of licence
- (vi) Period for which renewal of licence desired
- (vii) Whether renewal is desired for the whole or part
of the area held under licence
- (viii) In case renewal is applied only for a part of the
area held under the licence,
(a) the area applied for renewal
- (b) description of the area applied for renewal
(description should be adequate for the purpose
of demarcating the plot)
- (ix) Any other particulars which the applicant may
wish to furnish

(4) I/we do hereby declare that the particulars furnished
above are correct and am/are ready to furnish any other
details including accurate plan, as may be required by you.

Yours faithfully,

Office Seal

Signature and designation of the Applicant

Place

Signature and Designation of
Licensing Authority.

Date:

N. B. If the application is signed by an authorised agent
of the applicant, Power of Attorney should be attached.

FORM - 'D'
(See rule 19)

Sr. No.	Name and address of applicant & Date of application	Village	Survey No.	Water area	Type of fish/farming	Licence fee	Reict. No. & date	Licence No.	Sanction order No. & date	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

By order and in the name of the Governor of Goa.

G. G. Kambh, Under Secretary to the Govt. of Goa (Fisheries).

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